

700437 & 25 SEP 22 2009

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
The Authors Guild, Inc., Association of American :  
Publishers, Inc., Associational Plaintiffs, and :

Herbert Mitgang, Betty Miles, Daniel Hoffman, :  
Paul Dickson, Joseph Goulden, The McGraw-Hill :  
Companies, Inc., Pearson Education, Inc., Penguin :  
Group (USA) Inc., Simon & Schuster, Inc., and :  
John Wiley & Sons, Inc., individually and on :  
behalf of all others similarly situated, :

Plaintiffs, :

v. :

Google Inc., :

Defendant. :  
-----X

Case No. 05 CV 8136 (DC)

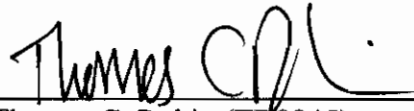
**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Thomas C. Rubin, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of Richard Montgomery Donaldson of Montgomery, McCracken, Walker & Rhoads, LLP, 1105 N. Market Street, Suite 1500, Wilmington, DE 19801, 302-504-7800.

Richard Montgomery Donaldson is a member in good standing of the bars of the Commonwealth of Pennsylvania and the States of New Jersey and Delaware. There are no pending disciplinary proceedings against Mr. Donaldson in any State or Federal court.

Dated:  
September 18, 2009  
Redmond, Washington

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Rubin", written over a horizontal line.

Thomas C. Rubin (TR8845)  
Chief Counsel for Intellectual Property Strategy  
Microsoft Corporation  
Legal and Corporate Affairs  
One Microsoft Way  
Redmond, WA 98052  
(425) 882-8080  
tom.rubin@microsoft.com

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Companies, Inc., Pearson Education, Inc., Penguin	:	
Group (USA) Inc., Simon & Schuster, Inc., and	:	
John Wiley & Sons, Inc., individually and on	:	
behalf of all others similarly situated,	:	<b>DECLARATION OF</b>
	:	<b>THOMAS C. RUBIN</b>
	:	<b>IN SUPPORT OF MOTION</b>
Plaintiffs,	:	<b>TO ADMIT COUNSEL</b>
v.	:	<b>RICHARD MONTGOMERY</b>
	:	<b>DONALDSON <i>PRO HAC VICE</i></b>
Google Inc.,	:	
	:	
Defendant.	:	
	:	
-----X		

Thomas C. Rubin hereby declares, pursuant to 28 U.S.C. § 1746:

1. I am counsel for objector Microsoft Corporation ("Microsoft") in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Microsoft's motion to admit Richard Montgomery Donaldson as counsel *pro hac vice* to represent Microsoft in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1989. I am also admitted to the bars of the State of Washington and this Court. I am in good standing with both. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Richard Montgomery Donaldson since January 2009. Some of my colleagues in Microsoft's Legal and Corporate Affairs Department have known him for more than a decade.

4. Mr. Donaldson is a partner of Montgomery, McCracken, Walker & Rhoads, LLP in Wilmington, Delaware. He is admitted to practice law in Pennsylvania, New Jersey and Delaware. Certificates of good standing for these states are attached as Exhibits A, B, and C. I am informed that Mr. Donaldson has never been reprimanded, nor has he had a grievance, complaint or order of discipline of any kind filed against him in any jurisdiction.

5. I have found Mr. Donaldson to be a skilled attorney and a person of integrity. He has a reputation for both among my colleagues in Microsoft's Legal and Corporate Affairs Department. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

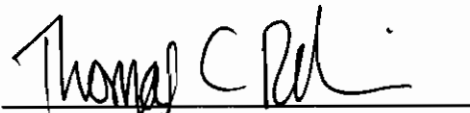
6. Accordingly, I am pleased to move the admission of Richard Montgomery Donaldson, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Richard Montgomery Donaldson, *pro hac vice*, which is attached hereto as Exhibit D.

WHEREFORE it is respectfully requested that the motion to admit Richard Montgomery Donaldson, *pro hac vice*, to represent Microsoft in the above-captioned matter, be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 18, 2009.



Thomas C. Rubin (TR8845)  
Chief Counsel for Intellectual Property Strategy  
Microsoft Corporation  
Legal and Corporate Affairs  
One Microsoft Way  
Redmond, WA 98052  
(425) 882-8080  
tom.rubin@microsoft.com

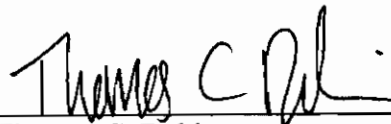
## CERTIFICATE OF SERVICE

I, Thomas C. Rubin, hereby certify that on this 21<sup>st</sup> day of September 2009, I caused to be served a copy of the foregoing Motion to Admit Counsel *Pro Hac Vice* and Declaration in Support of Motion to Admit Counsel Richard Montgomery Donaldson *Pro Hac Vice* on the following individuals by first-class U.S. Mail, postage prepaid:

Michael J. Boni, Esquire  
Joanne Zack, Esquire  
Joshua Snyder, Esquire  
Boni & Zack LLC  
15 St. Asaphs Road  
Bala Cynwyd, PA 19004  
bookclaims@bonizack.com  
*Counsel for the Author Sub-Class*

Jeffrey P. Cunard, Esquire  
Bruce P. Keller, Esquire  
Debevoise & Plimpton LLP  
919 Third Avenue  
New York, NY 10022  
bookclaims@debevoise.com  
*Counsel for the Publisher Sub-Class*

Daralyn J. Durie, Esquire  
Joseph C. Gratz, Esquire  
Durie Tangri LLP  
332 Pine Street, Suite 200  
San Francisco, CA 94104  
bookclaims@durietangri.com  
*Counsel for Google Inc.*

  
\_\_\_\_\_  
Thomas C. Rubin



**Supreme Court of Pennsylvania**

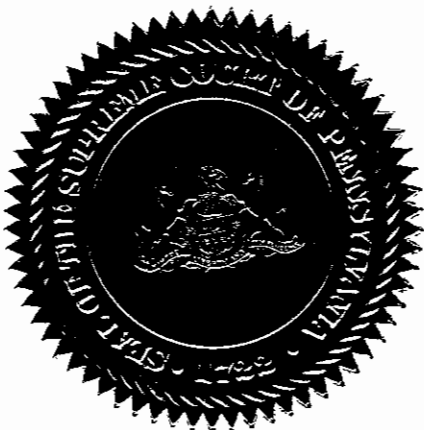
**CERTIFICATE OF GOOD STANDING**

***Richard Montgomery Donaldson, Esq.***

**DATE OF ADMISSION**

***December 4, 1991***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: September 8, 2009**

A handwritten signature in cursive script, reading "Patricia A. Johnson".

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Patricia A. Johnson  
Chief Clerk

# Supreme Court of New Jersey



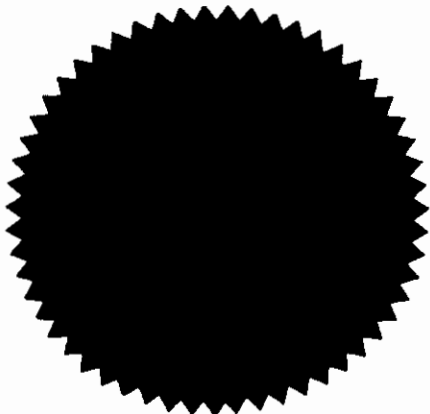
## Certificate of Good Standing

*This is to certify that* **RICHARD MONTGOMERY DONALDSON**  
(No. **031511991**) *was constituted and appointed an Attorney at Law of New Jersey on* **February 05, 1992** *and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.*

*I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.*

*Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.*

*In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
10TH day of September, 20 09.*



*Mark [Signature]*  
Clerk of the Supreme Court

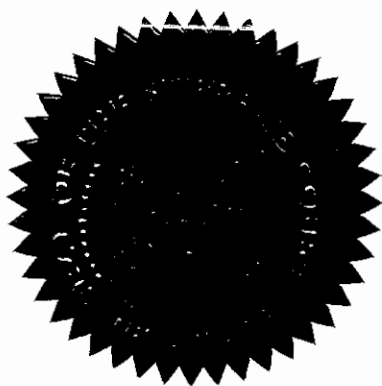
# SUPREME COURT OF THE STATE OF DELAWARE

## CERTIFICATE OF GOOD STANDING

The Clerk of the Supreme Court of the State of Delaware, the highest Court in the State, certifies that **Richard Montgomery Donaldson** was admitted to practice as an attorney in the Courts of this State on **June 18, 2003** and is an **active** member of the Bar of the Supreme Court of the State of Delaware in good standing.

### IN TESTIMONY WHEREOF,

I have hereunto set my hand and affixed the seal of said Court at Dover this 2nd day of September 2009.



A handwritten signature in cursive script, reading "Cathy L. Howard", is written over a horizontal line.

Cathy L. Howard  
Clerk of the Supreme Court



UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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Group (USA) Inc., Simon & Schuster, Inc., and	:
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behalf of all others similarly situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
Google Inc.,	:
	:
Defendant.	:
	:
-----X	

Case No. 05 CV 8136 (DC)

**[PROPOSED] ORDER FOR  
ADMISSION *PRO HAC VICE***

Upon the motion of Thomas C. Rubin, attorney for objector Microsoft Corporation and  
declaration in support:

IT IS HEREBY ORDERED THAT

Richard Montgomery Donaldson  
Montgomery, McCracken, Walker & Rhoads, LLP  
1105 N. Market Street, Suite 1500  
Wilmington, DE 19801  
Telephone: 302-504-7800  
Facsimile: 302-504-7820  
rdonaldson@mmwr.com

is admitted to practice *pro hac vice* as counsel for objector Microsoft Corporation in the above-  
captioned case in the United States District Court for the Southern District of New York. All  
attorneys appearing before this Court are subject to the Local Rules of the court, including the  
Rules governing discipline of attorneys. This action is assigned to the Electronic Case Filing

(ECF) system and counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

SO ORDERED.

Dated:  
New York, New York

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United States District Judge